

**Richard Spencer**

1001-A King Street

Alexandria, VA 22314

06/22/2020  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

|                         |   |                                |
|-------------------------|---|--------------------------------|
| ELIZABETH SINES et al., | ) |                                |
| Plaintiffs,             | ) | Civil Action No. 3:17-cv-00072 |
|                         | ) |                                |
| v.                      | ) | <u>ORDER</u>                   |
|                         | ) |                                |
| JASON KESSLER et al.,   | ) | By: Joel C. Hoppe              |
| Defendants.             | ) | United States Magistrate Judge |

This matter is before the Court on a motion filed by John DiNucci, Esq., to withdraw as counsel of record for Defendant Richard Spencer. ECF No. 727. Mr. Spencer opposes the motion. ECF No. 756.<sup>1</sup> The Court held telephonic hearings on May 29 and June 11, 2020, at which Mr. DiNucci and counsel for the Plaintiffs appeared. Mr. Spencer also appeared at the June 11 hearing. Mr. Spencer asked for one additional week to develop a payment plan for his attorney's approval. On June 18, Mr. DiNucci informed the Court that he stands by his motion to withdraw as counsel. For the reasons explained on the record the June 11 hearing, the Court finds Mr. DiNucci has shown good cause to withdraw from representing Mr. Spencer in this matter. *See* W.D. Va. Gen. R. 6(i); Order of June 4, 2020, at 2–3 (citing Va. R. Prof'l Conduct 1.16(b)), ECF No. 754; Pls.' Supp'l Resp. 2–4, ECF No. 772. Accordingly, Mr. DiNucci's motion, ECF No. 727, is hereby **GRANTED**. The Clerk of Court is directed to terminate John DiNucci, Esq., as counsel of record for Defendant Richard Spencer.

Mr. Spencer's motion to utilize the Court's Case Management/Electronic Case Filing ("CM/ECF") System, ECF No. 757, is **GRANTED** on the condition that he complies with the

<sup>1</sup> On June 18, 2020, Mr. Spencer sent an email to the undersigned's chambers email address regarding Mr. DiNucci's motion to withdraw. The email references Mr. Spencer's financial situation and, thus, should be treated confidentially. *See* Fed. R. Civ. P. 26(c). The Court, however, disapproves of Mr. Spencer emailing documents, such as a brief in opposition, that should be filed with the Clerk's Office. Moreover, the Court will not allow ex parte communications absent a properly filed motion requesting such relief. Accordingly, under Local Rule 9, the Court will direct the Clerk's Office to docket Mr. Spencer's email under seal so that only case participants may view the email.

Court's registration procedures. Mr. Spencer may file documents in this matter through CM/ECF while he is representing himself. Unless and until new counsel enters an appearance on Mr. Spencer's behalf, he is solely responsible for conducting his defense in accordance with all rules, court orders, and deadlines in this case. If Mr. Spencer chooses to retain new counsel, the attorney must be admitted to practice in the United States District Court for the Western District of Virginia before he or she may enter a notice of appearance in this matter. W.D. Va. Gen. R.

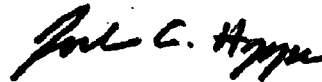
~~6(a)-(d), (i).~~

Neither the trial date nor any deadline will be continued because of the granting of the motion to withdraw.

It is so ORDERED.

The Clerk of Court is directed to send a copy of this Order to the parties.

ENTER: June 22, 2020

A handwritten signature in black ink, appearing to read "Joel C. Hoppe".

Joel C. Hoppe  
U.S. Magistrate Judge



**U.S. DISTRICT COURT**  
**Western District of Virginia**  
**Electronic Case Filing Registration**

|                 |
|-----------------|
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| Password: _____ |

*This form shall be used to register as a Filing User for the court's Electronic Case File (ECF) system. Filing Users will have privileges to electronically submit documents, and will receive electronic notice of documents filed in the ECF system. By signing this form, you certify that you have a Public Access to Court Electronic Records (PACER) account. Visit the PACER web site at <http://pacer.psc.uscourts.gov> to establish a PACER account.*

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Last Four Digits of Social Security Number: \_\_\_\_\_ (for security purposes).

**Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the Western District of Virginia and must be in good standing, or permitted by statute or admitted *pro hac vice* in a particular case, to file papers electronically.**

Date admitted to practice in this Court: \_\_\_\_\_

If United States Department of Justice Attorney appearing pursuant to 28 U.S.C. § 517 check here: \_\_\_\_\_

If admitted *pro hac vice*: Date motion for *pro hac vice* granted: \_\_\_\_\_ in case number: \_\_\_\_\_

If Pro Se Filer: Date Motion granted: \_\_\_\_\_ in case number: \_\_\_\_\_

**By signing this registration form, the undersigned agrees to abide by all Court rules, orders and policies and procedures governing the use of the electronic filing system. The undersigned further certifies that he/she has read and understands the Court's Local Rule 8 - Redaction of Personal Data Identifiers from Pleadings, and acknowledges his/her responsibility for redacting these personal identifiers. The undersigned also consents to receiving notice of filings pursuant to Fed.R.Civ.P. 5(b) and 77(d) and Fed.R.Crim.P. 49 (b) and (c) via the Court's electronic filing system only. The combination of user identification and password shall constitute the signature of the attorney filing the documents for purposes of Fed.R.Civ.P. 11. Attorneys must protect the security of their passwords. It is the duty and responsibility of the attorney to immediately notify the court if they learn that their password has been compromised.**

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